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\*E-FILED - 7/16/09\*

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 08-00402 RMW  
14 Plaintiff, ) PARTIES' JOINT REQUEST TO TAKE  
15 v. ) KEVIN VO'S MOTION TO SUPPRESS  
16 KEVIN VO, ) HIS STATEMENT OFF CALENDAR;  
17 Defendant. ) ORDER []  
18 ) Date: July 13, 2009  
 ) Time: 2:00 p.m.  
 ) Before The Honorable Ronald M. Whyte

The parties jointly ask the Court to take Kevin Vo's motion to suppress the statement he made during his custodial interrogation on June 4, 2008, off calendar. The basis for the request is that the parties are in the midst of serious and promising plea negotiations that, if successful, would render the motion moot.

25 The parties agree that, should the negotiations fall through, Kevin Vo would be entitled to  
26 re-submit the motion.

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**REQUEST TO TAKE MOTION  
OFF CALENDAR**

1 SO STIPULATED:

2 DATED: JOSEPH P. RUSSONIELLO  
3 United States Attorney

4 / s /

5 DAVID R. CALLAWAY  
6 Assistant United States Attorney  
Counsel for United States

7 DATED: / s /

8 ALLEN H. SCHWARTZ, ESQ.  
9 Counsel for Defendant Kevin Vo

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11  
12 **ORDER**

13 For the reasons set forth above, and good cause appearing,

14 IT IS HEREBY ORDERED that the pending motion by defendant Kevin Vo to suppress  
15 his statement, currently scheduled to be heard on July 13, 2009, is hereby taken **OFF**  
16 **CALENDAR.** Defendant shall be permitted to re-submit the motion at a later time, should he  
17 elect to do so.

18 Date: 7/16/09

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RONALD M. WHYTE  
United States District Judge